

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 55699

Mary R. Banasky
12021 Tralee Road
Unit 405
Timonium, MD 21093

1750 Weston Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 8, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) Maintenance of Investment Property section 35-2-404 (a)(1.) 1., 2, failure to maintain, repair or replace unsafe deteriorated retaining wall in rear yard on residential property known as 1750 Weston Road, 21234.

On June 1, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$8,000.00 (eight thousand dollars).

The following persons appeared for the Hearing and testified: Mary Banasky, Respondent and, Kim Wood, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 2, 2009 for repair of deteriorated and unsafe retaining wall in rear yard, and elimination of rodent infestation around shed and retaining wall. This Citation was issued on June 1, 2009 for failure to repair or replace the retaining wall.

B. Photographs in the file show a retaining wall of wooden ties held with steel rods, with gaps and missing ties. The deteriorated wall is unsafe and must be repaired or replaced. Correspondence in the file and testimony from Inspector Wood shows that Respondent and Respondent's tenant have responded to the County's notices and have made plans for the necessary repairs. At this Hearing, Respondent testified that she could accomplish the needed repairs by the end of August. Because compliance is the goal of code enforcement, the civil penalty will be waived if the repairs are completed within the time provided.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the retaining wall is repaired or replaced by August 31, 2009. If the Respondent fails to correct the violation by that date, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.